

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, Applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, lines 4 and 9, to delete the species designation "*hortorum*" and to insert the term "(hybrid)". According, to the newest nomenclature rules of the international botanical congress, no species designation is required when a new cultivar is a hybrid.

B. The specification has been amended at page 1, lines 8-11, to provide information concerning the origin and parentage of 'Mauritius'.

C. The specification has been amended at page 1, line 24; and the abstract, line 4, to delete the term "flower" or "flowers" and insert the term "ray floret" or "ray florets".

D. The specification has been amended at page 2, line 5, to provide language that references the new *Dahlia* cultivar 'Mauritius' being compared to the female parental cultivar 'Anne', and to replace the term " 'is" with "is".

E. The specification has been amended at page 2, to insert at line 3, a brief comparison of the instant plant 'Mauritius' to both parental cultivars.

F. The specification has been amended at page 2, lines 9 and 16, and at page 3, line 12, to delete the term “flower” and insert the term “inflorescence”.

G. The specification has been amended at page 2, line 12, to delete the term “more”.

H. The specification has been amended at page 3, line 10, to provide a description of the stem diameter of ‘Mauritius’.

I. The specification has been amended at page 3, line 12, to provide a description of the lateral branch RHS color designation of ‘Mauritius’.

J. The specification has been amended at page 3, line 15, to insert the term “Leaflets”, to clarify that the foliage description refers to leaflets of ‘Mauritius’.

K. ‘Mauritius’ does not have compound leaves. Accordingly, no description is provided for compound leaves in the specification.

L. The specification has been amended at page 4, line 2, to delete the term “FLOWER” and insert the term, “INFLORESCENCE”.

M. The specification has been amended at page 4, lines 3, 8 and 9, to delete the term “flowers” or “Flower” and insert the term “inflorescences” or “Inflorescence”.

N. The specification has been amended at page 4, line 11, to verify that there are 2-3 buds per lateral branch of ‘Mauritius’.

O. The specification has been amended at page 4, line 15, to delete the term “Petal” and insert the term “Florets”.

P. The specification has been amended at page 4, to insert after line 21, the measurement for the disc diameter of the inflorescence of ‘Mauritius’.

Q. The floret of the individual ray and disk floret is fused from five, to one ligulate corolla, which is evident from the lines visible on the floret. Accordingly, the specification has been amended at page 4, line 16, to clarify the floret appearance description.

R. The specification has been amended at page 4, line 18, to clarify the number of disk and ray florets per inflorescence of 'Mauritius'.

S. The specification has been amended at page 4, line 21, to clarify the margin description; at page 4, line 22, to clarify the apex shape; and page 4, lines 23-24, bridging to page 5, lines 1-2, to clarify the RHS color designations for the disk and ray florets of 'Mauritius'.

T. Applicant verifies that the mature upper surface color of the ray floret of 'Mauritius' is RHS 65A, with RHS 5 C at the base.

U. The specification has been amended at page 5, line 3, to delete the term "Sepals" and insert the term "Phyllaries".

V. The specification has been amended at page 5, lines 15-21, to provide the location of the Androecium and Gynoecium of 'Mauritius'.

W. The specification has been amended at page 5, line 18, to clarify the number of pistils per ray and disk floret of 'Mauritius'.

In addition, the Applicant requests that the Examiner verify that the Inventor's name is spelled correctly in future correspondence in accordance with the Supplemental Declaration and Supplemental Application Data Sheet filed on August 24, 2004. The Inventor's name should be spelled: Jan Skjold KNUDSEN.

Due to the number of changes and/or corrections, Applicant hereby files a Substitute Specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached substitute specification.

Applicant believes that the present application is now in condition for allowance.  
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

*Michael M. Ahl*

*Reg No. 34,717*

Date

*Dec 13, 2004*

By

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

*for*

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792